

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MICKEY LEE MOODY,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 1:08cv63-MHT
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Upon review of the file in this case, the court concludes that Petitioner's 28 U.S.C. § 2255 motion presents claims of ineffective assistance of counsel against attorney John M. Poti. As such, Petitioner has waived the attorney-client privilege with respect to these claims. *See Mincey v. Head*, 206 F.3d 1106, 1119 n.13 (11th Cir. 2000) ; *Tasby v. United States*, 504 F.2d 332, 336 (8th Cir. 1974).

In light of the foregoing, the CLERK is DIRECTED to provide a copy of Petitioner's § 2255 motion to Mr. Poti. Accordingly, it is

ORDERED that within twenty (20) days from the date of this order, Mr. Poti shall file with this court an affidavit that addresses the claims of ineffective assistance of counsel presented against him in the § 2255 motion. Mr. Poti shall also furnish the United States Attorney and Petitioner with copies of his affidavit.

It is further

ORDERED that the United States is GRANTED an extension from February 29, 2008, to and including March 28, 2008, to file a response to Petitioner's § 2255 motion in compliance with this court's previous orders.

Done this 27th day of February, 2008.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE